THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 6144 of 2006

28.3.2006

Between:

M/s.Doyen Constructions (P) Ltd., Hyderabad,
rep. by its Managing Director.

…Petitioner

And

The Appellate Deputy Commissioner (CT), Punjagutta Division,
Nampally, Hyderabad and another.

….Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No. 6144 of 2006

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent the

Writ Petition is disposed of at this stage.

The appeal filed by the petitioner before the Appellate Deputy Commissioner (CT), Punjagutta has been dismissed mainly on the ground that before filing the appeal, an amount equivalent to 12.5% of the disputed tax is not deposited, which is the requirement under Section 19 of the A.P.General Sales Tax Act, 1957 (for short 'the Act'). The appeal has been dismissed on 12.1.2006 and it is submitted by the petitioner that by that time, he could not arrange the money and this money had now been deposited on 16.3.2006. The learned counsel for respondents submits that the petitioner had also failed to deposit institution fee and had not also filed the original assessment order.

Keeping in view these assertions, we dispose of the writ petition by directing the appellate authority to entertain the appeal and decide it on merits, as it is stated that the amount required to be deposited, had already been deposited. If the institution fee has not been deposited so far, it may be deposited within one week. The original assessment order be also placed before the appellate authority within one month.

Writ petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

28th March 2006

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(G.CHANDRAIAH,J)

ajr